

AUGUST 30, 2022 – GENERAL MEETING

Meeting called to order by Chair Sutton at 8:45 A.M. in the Commission Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Feickert, Fjeldheim, Sutton, Wiese and Gage. Commissioner Gage led the pledge of allegiance.

APPROVAL OF AGENDA:

Moved by Gage, seconded by Wiese to approve the agenda. All members present voting aye. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT:

Trevor Jones with Summit Carbon Solutions discussed pipeline and improvements to pipeline construction.

AMENDMENT TO ELM LAKE BRIDGE PROJECT:

Dirk Rogers, Highway Superintendent, met to discuss the amendment 1 Federal Bridge Project Elm Lake. Moved by Wiese, seconded by Feickert to authorize signing amendment 1 to agreement number 717422 to Elm Lake Bridge Project. All members present voting aye. Motion carried.

BDM RURAL WATER SYSTEMS INC.

Commissioner Feickert offered the following resolution:

RESOLUTION #44-22

Resolution No. 44-22, granting BDM Rural Water System, Inc., a county-wide authorization for the purpose of the continued placement, repair, and maintenance of pipeline and related appurtenances and the construction and maintenance of new pipeline and related appurtenances for the Brown County portion of the BDM Rural Water System, Inc., water system.

BDM Rural Water System, Inc. applied to the Brown County Board of the County Commissioners for authorization to construct, repair, and maintain its water system on, over, across, or under public highways and rights-of-way for the purpose of providing rural water service in Brown County, South Dakota. Notice was duly given by mail of the application of BDM Rural Water System, Inc. to all persons, firms, or corporations owning or operating electric, telephone, or telegraph lines within Brown County, South Dakota, in compliance with SDCL § 31-26-13. All comments received were considered by the Brown County Commissioners. This resolution was adopted according to SDCL Ch. 31-26, and in particular SDCL § 31-26-24 and 31-26-25 by the Brown County Board of County Commissioners at a regular meeting, which was held in the Commissioner's Room in the Courthouse in the City of Aberdeen, Brown County, South Dakota, on the 30th day of August, 2022. All Commissioners were present. After discussion, the following resolution was numbered 44-22 and upon motion duly made, seconded, and carried was unanimously adopted:

BE IT RESOLVED that BDM Rural Water System, Inc., a South Dakota Non-profit Corporation, will be allowed and permitted to run an underground pipeline for transmitting water or all purposes for which said corporation was formed along any and all public rights-of-way, including pipelines, appurtenances, all rights-of-way between all sections in Brown County, South Dakota, so long as said transmission and distribution pipe is buried, so as not to interfere

with the building of any roads or causing any liability to the County.

BE IT FURTHER RESOLVED that BDM Rural Water System, Inc. will bear the expenses or costs associated in the construction and operating of the water system.

BE IT FURTHER RESOLVED that when a pipeline is installed in the public right-of-way, such right-of-way must be restored to as near its original condition.

BE IT FURTHER RESOLVED that the installation of such pipeline and appurtenances in the public right-of-way will conform to plans and specifications to be submitted to the County, prior to construction, for review and comment, and must include the following conditions:

1. Notice Prior to Starting Work: Before starting construction work, a Right - of - Way Occupancy Permit must be obtained from the Brown County Commission.
2. Minimum Interference with Traffic: All work will be planned and carried out so as to minimize inconvenience to the traveling public.
3. Storage of Material: Not material may be stored within eight feet from the edge of pavement or traveled way or within the shoulder line unless otherwise approved by the County Highway Superintendent.
4. Clean Up Right-of-Way: Upon completion of work, litter will be removed from the rightof-way, and it will be left in as presentable a condition as before work started.
5. Care of Drainage: If the contemplated work interferes with established drainage, provisions will be incorporated in the project during construction to maintain normal drainage.
6. Location Plans: Upon completion of the work, a copy of the "as built" drawings will be furnished to the County for their records and use.
7. Maintenance: The pipelines and appurtenances placed in the County right-of-way will be maintained and reasonable care exercised in inspecting and repairing any portion of the right-of-way and pay all expenses or costs to the County which occurs as a result of the operation and maintenance of the pipelines and appurtenances.
8. All Roadways: Pipelines installed perpendicular to roadways will be installed by boring or jacking methods. Pipelines installed longitudinally in a right-of-way will be by an open cut. Minimum of one lane will be left clear and open to traffic at all times. All lanes will remain clear and open during the hours of darkness.
9. Depth of Pipelines: Pipelines will be placed to a depth of cover consistent with design standards for water pipelines for the area. Where additional pipeline cover is necessary to accommodate future roadways, vertical and horizontal roadway designed clearances, the County will so advise BDM Rural Water System, Inc. at the time of the County review of the need for change in pipeline cover.

Adopted this 30th day of August, 2022.

Seconded by Wiese, Roll Call Vote: Commissioners Fjeldheim-aye; Feickert-aye; Gage-aye; Wiese-aye; Sutton-aye. Resolution Adopted.

**AUTHORIZE UNION CONTRACT SIGNING:**

Erica Coughlin, Human Resource Director, met to recommend changes and defer commissioner signing to September 6, 2022 meeting.

**MINUTES:**

Moved By Wiese, Seconded by Gage to approve minutes from August 23, 2022 Meeting. All members present voting aye. Motion Carried.

**CLAIMS:**

Moved by Feickert, seconded by Fjeldheim to approve the following claims

Professional Fees: AVERA ST. LUKE'S \$125.63; CARLSEN FUNERAL HOME & CREMATORY \$665.00; CHRISTY GRIFFIN-SERR LAW OFFICE \$8,541.67; COGLEY LAW OFFICE, PROF LLC \$8,541.67; DOHRER LAW OFFICE \$8,541.67; JERALD M. MCNEARY \$8,541.67; KUCK LAW OFFICE \$8,541.67; LINCOLN COUNTY TREASURER \$36.67; LUMEN \$282.07; STATE OF SOUTH DAKOTA \$1,585.82; TALIAFERRO LAW FIRM \$8,593.17; TYLER TECHNOLOGIES INC \$49,993.00; UND Forensic Pathology \$2,380.00; YANKTON COUNTY SHERIFF OFFICE \$50.00

Publishing: GateHouse Media South Dakota Holdings, Inc. \$911.00; GROTON INDEPENDENT \$480.22

Repairs & Maintenance: CENTURY BUSINESS PRODUCTS \$1.72; DIAMOND MOWERS INC \$17.45; GRAHAM TIRE INC \$775.55; HOVEN AUTO REPAIR INC \$210.59; HUB CITY ROOFING \$193,000.00; JENSEN ROCK & SAND INC \$17,633.75; LAWSON PRODUCTS, INC \$20.99; LEIDHOLT ELECTRIC LLC \$6.00; SERVICE SIGNS & SALES \$263.79; TYLER TECHNOLOGIES INC \$449.00

Supplies: CENTURY BUSINESS PRODUCTS \$213.38; CHARM-TEX \$2,230.48; COLE PAPERS \$3,056.97; DAKOTA SUPPLY GROUP \$865.10; DIAMOND MOWERS INC \$104.84; HOUSE OF GLASS \$196.42; JEBRO INC. \$101,485.01; JENSEN ROCK & SAND INC \$55,903.30; KATHLEEN PARISOT \$65.00; LABSOURCE, INC. \$419.70; LAWSON PRODUCTS, INC \$248.81; LEIDHOLT ELECTRIC LLC \$293.85; MARCO INC \$34.18; MENARDS \$321.39; NICHOLAS R. VOLK \$500.00; PERFORMANCE OIL & LUBRICANTS \$522.08; PLUMBING & HEATING WHOLESALE, INC. \$18.30; POMPS TIRE SERVICE, INC \$51.50; ROLAND L. MOERKE \$920.00; RUNNINGS \$46.56

Travel & Conference: AARON WALBERG \$246.48; Brock Hoyle \$26.00; DALE KURTH \$112.53; DARWIN BETTMANN \$15.24; DAVID NORTH \$140.64; JAMES MEYERS \$19.00; PATRICK KEATTS \$22.74; REGENCY MIDWEST VENTURES LIMITED PARTNERSHIP \$144.00; SD ASSOC OF COUNTY COMMISSIONERS \$975.00; SDSU EXTENSION \$163.55; STAN BECKLER \$24.44

Utilities: MIDCONTINENT COMMUNICATIONS \$85.39; MONTANA DAKOTA UTILITIES CO \$27.13; NORTHERN VALLEY COMMUNICATION \$3,117.69; NORTHWESTERN ENERGY & COMMUNICATIONS \$17,010.63; QWEST CORPORATION \$1,192.01; VERIZON WIRELESS SERVICES LLC \$130.13

Others: SD DEPT OF AGRICULTURE & NATURAL RESOURCES \$327.00; WEX HEALTH INC. \$4,000.00

All members present voting aye. Motion carried.

**HR REPORT:**

Moved by Fjeldheim, seconded by Wiese to approve the following Human Resource Report:

- Acknowledge last day for seasonal worker, Caden Shelton, Brown County Fairgrounds; effective August 16, 2022.
- Acknowledge last day of seasonal worker, Anthony Miller, Brown County Fairgrounds; effective August 10, 2022.
- Acknowledge Last day of internship Noah Miller, Brown County 4-H Intern; effective August 21, 2022.
- Acknowledge resignation of Diane Lehr, Brown County Teen Court, part time; effective August 31, 2022.
- Acknowledge employment ending for Veronica Garcia-MaConnell as legal secretary for State's Attorney's office, full time; effective August 24, 2022. Request to fill.
- Acknowledge transfer of Makayla Jenniges from Brown County JDC CO to Brown County Jail CO; Effective September 6, 2022.
- Approve adjust start date from August 9, 2022 HR Report – Hiring Lynn Heupel, Brown County Auditor, full time; starting salary \$63,448/year; effective September 8, 2022.
- Approve promotion of Madeline Ellerbusch from Brown County Jail CO to Brown County JDC Shift Sergeant; starting wage \$20.20/hr; effective September 5, 2022.

All members present voting aye. Motion carried.

**CLAIM ASSIGNMENT:**

Moved by Feickert, seconded by Wiese to approve, and authorize auditor to assign the claim against an individual to Credit Collections Bureau for the purpose of collecting liens. All members present voting aye. Motion carried.

**AUDITORS REPORT OF ACCOUNTS:**

Moved by Gage, Seconded by Wiese to approve the auditor report of accounts for June 2022 as follows: June total cash and checks on hand 7700; Total Checking Account Balances: 7550447.42; Total Savings Account Balances: 3978174.09; Total Certificates of Deposit: 3978174.09; Grand Total Cash and Balances 31934208.36; General fund cash and investment balances by funds: General Fund 7223349.69 Road & Bridge Fund 7057105.29 Road & Bridge Fund - restricted 423243.27 911 Service 1488482.87 Emergency & Disaster 281591.78 Domestic Abuse 4270.00 Teen Court 4063.53 Grant 32.11 JDAI 6961.06 Richmond Youth 0 24/7 Sobriety 33772.24 ROD M&P 111870.19 American Rescue Plan Federal Grant 7544067.66 Rural Access Infrastructure 95415.63 Tif Debt Service 13166.06 Landfill + cash change 3486435.80 Landfill - restricted 1400479.44 Trust and Agency Funds 2759901.74. All members present voting aye. Motion carried.

**OTHER BUSINESS:**

Rachel Kippley, Fair Manager, met to give preliminary numbers for the 2022 Brown County Fair and to advise of upcoming contracts and grant information.

**Executive Session:**

Moved by Gage, seconded by Wiese to go into executive session to discuss personnel per SDCL 1-25-2. All members present voting aye. Motion carried. The chair declared the executive session closed with no action taken.

ADJOURNMENT:

Moved by Wiese, seconded by Feickert to adjourn the Brown County Commission at 10:52 a.m. All members present voting aye. Motion carried.

Brown County Auditor

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